

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. LAVERN TAYLOR,

Plaintiff,

v.

1. D.J. ROOFING SUPPLY, INC.,

Defendant.

**Case No. 14-CV-764-JHP-TLW
(Tulsa County District Court
Case No. CJ-2014-04554
Judge Mary Fitzgerald)**

NOTICE OF REMOVAL

Defendant, by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby respectfully removes the above-styled action from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

On November 26, 2014, Plaintiff Lavern Taylor ("Plaintiff") commenced this action by filing his Petition in the District Court of Tulsa County, Oklahoma, Case No. CJ-2014-04554, asserting claims against Defendant for race discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§1981 and 2000(e) and for failure to ensure a non-hostile work environment in violation of Title VII of the Civil Rights Act of 1964. See Petition, attached as Exhibit 1.

2. Defendant was served with a copy of the Petition on December 4, 2014. See Summons, attached as Exhibit 2.

3. No further process, pleadings, or motions have been filed in the case. In accordance with LCvR 81.2, a copy of the Tulsa County District Court docket sheet is attached as Exhibit 3.

4. “Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant...to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

5. This Court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Accordingly, insofar as Plaintiff asserts a claim against Defendant under Title VII, this action “aris[es] under the...laws...of the United States,” and this Court has original jurisdiction of Plaintiff’s Title VII claims under 28 U.S.C. § 1331.

6. In addition, venue, for purposes of removal only, is proper in this Court under 28 U.S.C. § 1441(a) because the District Court of Tulsa County, Oklahoma, is located within the Northern District of Oklahoma.

7. Further, because Defendants was served with Plaintiff’s Petition and Summons on December 4, 2014, this Notice of Removal is timely because it is being “filed within 30 days after the receipt by...[D]efendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” 28 U.S.C. § 1446(b)(1).

8. Written notice of the filing of this Notice of Removal will be served on Plaintiff and filed with the Clerk of Court of the District Court of Tulsa County, Oklahoma.

9. Pursuant to Local Rule 81.2, Defendant's Status Report on Removed Action shall be filed contemporaneously with this Notice of Removal.

10. This Notice of Removal does not waive any objections to defects in process or service of process, jurisdiction, venue, statute of limitations, exhaustion of administrative remedies, or any other defense.

WHEREFORE, Defendant prays that the above-styled action now pending against it in the District Court of Tulsa County, Oklahoma, be removed to this Court.

Dated: December 22, 2014

Respectfully submitted,

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.

By: s/J. Patrick Cremin

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ATTORNEYS FOR DEFENDANT,
D.J. ROOFING SUPPLY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the Following ECF registrants:

Daniel E. Smolen, Esq.
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701 South Cincinnati Avenue
Tulsa, OK 74119-1613

s/ J. Patrick Cremin

J. Patrick Cremin